

AO 102 (01/09) Application for a Tracking Warrant (modified by USAO for telephone or other reliable electronic means)

## UNITED STATES DISTRICT COURT

for the  
Southern District of OhioFILED  
RICHARD W. NAGEL  
CLERK OF COURT

7/9/21

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WEST. DIV. DAYTON

In the Matter of the Tracking of )  
 (Identify the person to be tracked or describe )  
 the object or property to be used for tracking) )  
 A UNITED STATES POSTAL SERVICE )  
 PRIORITY MAIL EXPRESS PACKAGE WITH )  
 TRACKING NUMBER EJ811736265US )

Case No. 3:21MJ254

## APPLICATION FOR A TRACKING WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of

21 U.S.C. § 841 & 846 . Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

☒ The person, property, or object is located in this district.

☐ The activity in this district relates to domestic or international terrorism.

☐ The person, property, or object is not now located in this district, but will be at the time of execution.

☐ Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

☒ evidence of a crime;

☒ contraband, fruits of crime, or other items illegally possessed;

☒ property designed for use, intended for use, or used in committing a crime;

☐ a person to be arrested or a person who is unlawfully restrained.

☐ I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:

☒ Delayed notice of 30 days (give exact ending date if more than 30 days: ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

Joseph L. Rossiter, Postal Inspector  
Applicant's printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
**FaceTime** (specify reliable electronic means).

Date: 07/09/2021

City and state: Dayton, OH

  


signature

U.S. Magistrate Judge  
 name and title

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

IN THE MATTER OF THE TRACKING OF :  
A UNITED STATES POSTAL SERVICE : CASE NO. **3:21MJ254**  
PRIORITY MAIL EXPRESS PACKAGE :  
WITH TRACKING NUMBER : UNDER SEAL  
EJ811736265US

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A TRACKING WARRANT

I, JOSEPH ROSSITER, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a United States Postal Inspector, having been so employed since May 2016. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for southeast Indiana, and southern Ohio. Part of my investigative responsibility involves the use of the United States Mail in the transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.
2. Based on my training and experience, I have become aware that drug traffickers frequently use Priority Mail Express, a business-oriented overnight service offered by the United States Postal Service, to transport narcotics and other dangerous controlled substances, and their proceeds or instrumentalities from the sale of the controlled substances. Based on my training and experience, I also know that drug traffickers frequently use Priority Mail with delivery confirmation, a 2-3 day service offered by the United States Postal Service. As a result of investigations and successful controlled substance prosecutions where the U.S. Mail was used, I have learned of certain characteristics indicative of other U.S Mail items previously identified as containing narcotics or other dangerous controlled substances, their proceeds or



instrumentalities from the sale of the controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion, the mailer using different post offices on the same day to send parcels, false or non-existent return address, the addressee is not known to receive mail at the listed delivery address, the parcel is heavily taped, the parcel is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the parcel, and the listed address is located in an area of known or suspected drug activity.

3. I submit this Affidavit in support of an application for a search warrant under Rule 41 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3117 authorizing the installation, use, monitoring, collection of data, and maintenance of a mobile global position system (GPS) tracking device and a light detection device (hereinafter collectively the "**Subject Devices**") in a United States Postal Service Priority Mail Express Package (Tracking Number EJ811736265US) containing sham methamphetamine.
4. In the event the Court grants this application, there will be periodic monitoring of the **Subject Devices** during both daytime and nighttime hours for a period of no more than 45 days from the date the warrant is executed. The **Subject Devices** may generate GPS location information from inside private areas, such as a residence or other location not open to the public or visual surveillance.
5. This Affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this Affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement

officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

6. Based on the facts set forth in this Affidavit, there is probable cause to believe that a violation of Title 21, United States Code, Sections 841 and 846, "Conspiracy to possess with intent to Distribute Controlled Substances" and "Attempt to possess with intent to distribute controlled substances," (hereafter "the Subject Offenses"), have been committed, are being committed, and will be committed by the individual(s) transporting the **Subject Devices**, whose identities are currently unknown, and other unknown co-conspirators within the Southern District of Ohio.
7. Specifically, there is probable cause to believe that the **Subject Devices** contained in the Priority Mail Express Package along with sham methamphetamine will be received by an unidentified individual(s) and potentially transported to other locations and possibly other unknown co-conspirators. Further, as explained below, there is probable cause to believe that the use of the **Subject Devices** will provide or lead to evidence, contraband, fruits, and instrumentalities of these crimes, including but not limited to, information regarding locations where the **Subject Devices** are taken and possible co-conspirators who may be at those locations.

**Information about the Subject Device**

8. Law enforcement investigators have placed the **Subject Devices** in a United States Postal Service Priority Mail Express Package (Tracking Number EJ811736265US) containing sham

methamphetamine.<sup>1</sup> This will enable investigators to monitor the movement and physical location of the **Subject Devices** wherever it may be taken in furtherance of the drug trafficking organization activity, both within and outside the Southern District of Ohio.

#### Background of the Investigation

1. On July 8, 2021, I intercepted a package (hereinafter “the Package”) at the Cincinnati Network Distribution Center (NDC). The Package is a Priority Mail Express in a white Priority Mail flat rate box, bearing tracking number EJ811736265US, postmarked July 7, 2021, with the following address information “Steven Henderson 80 E Maplewood ave Dayton, OH 45405” with a return address of “David Padilla 16077 Juniper St, Hesperia, CA 92345.”
2. On July 8, 2021, I performed a check in CLEAR database for the addressee’s information on the Package of “Steven Henderson 80 E Maplewood ave Dayton, OH 45405.” CLEAR is a law enforcement database that is used as a tool for investigators to identify person/business and address information. According to CLEAR, “Steven Henderson” was associated with 80 E Maplewood Ave, Dayton, OH 45405 in May 2003, but is not currently associated with that address.
3. I also performed a check in CLEAR for the sender’s information listed on the Package of “David Padilla 16077 Juniper St, Hesperia, CA 92345.” According to CLEAR, there is no “David Padilla” associated with 16077 Juniper St, Hesperia, CA 92345.

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<sup>1</sup> The sham methamphetamine appears like real methamphetamine, but are fake.



4. On July 8, 2021 a federal search warrant was obtained which was then executed on the Package. Upon opening the Package, it was found to contain what appeared to be round white cosmetic pads, and a vacuum sealed bag wrapped in black carbon paper and clear plastic wrap. Inside the vacuum sealed bag was a clear crystal substance with total approximate weight of 1,868 grams. The clear crystal substance field tested positive for methamphetamine. Methamphetamine is a Schedule II controlled substance.
5. I believe that the tracking of the **Subject Devices** will allow law enforcement to gather information regarding the locations of narcotics, proceeds of narcotics and drug trafficking activity. In particular, law enforcement intends to attempt a controlled delivery of the Package containing the sham in an effort to identify individuals who are facilitating efforts to trafficking in methamphetamines. Additionally, as I know that individuals often take to stash houses packages containing controlled substances, installation of **subject devices** in the Package may assist law enforcement to identify locations at which drug traffickers are keeping, storing or selling controlled substances.

#### Deployment of the Subject Device

6. Within 10 days of the issuance of this warrant, investigators will utilize an undercover officer dressed as a United States Postal Letter Carrier to deliver the Package to the addressee listed in the Southern District of Ohio. The **Subject Devices** will be installed inside the Package in the Southern District of Ohio, and will provide GPS data as to the location of the Package, as well as alert investigators when the Package is opened (via the light detection device). I believe, based upon my training and experience and my knowledge of this case that

unidentified individual(s) will potentially receive and transport the Package/**Subject Devices** in furtherance of their drug trafficking activity.

### Conclusion

7. Based on the foregoing, there is probable cause to believe that violations of the Subject Offenses have been committed, are being committed, and will be committed by the recipient(s) of the Package/**Subject Devices** (as more fully described above) within the Southern District of Ohio, whose identity is unknown. There is also probable cause to believe that the use of the **Subject Devices** will provide or lead to evidence of the Subject Offenses, including but not limited to, information regarding locations where the **Subject Devices** are taken and possible co-conspirators, narcotics, and drug tools/proceeds that may be at those locations, which will constitute evidence of these criminal violations.

### Request for Delaying Notice and Night Service

8. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 30 days after the collection authorized by the warrant has been completed. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Based upon my knowledge, training, and experience, it is my belief that providing immediate notice to the transporter of the **Subject Devices** may result in the flight from prosecution, the destruction of

or tampering with evidence, intimidation of potential witnesses, and/or otherwise seriously jeopardize an investigation. *See* 18 U.S.C. § 3103a(b)(1).

9. I further request that the Court authorize execution of the warrant at any time of the day or night, owing to the potential need to locate the **Subject Devices**.

  
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Joseph Rossiter  
Postal Inspector  
United States Postal Inspection Service

Subscribed and sworn to before me this 9th day of July, 2021.

  
  
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Honorable Sharon L. Ovington  
United States Magistrate Judge